

**875—8.4(88) Conduct of a visit.**

**8.4(1) *Structured format.*** An initial on-site consultative visit shall consist of an opening conference where the employer shall be advised as to the responsibilities under state law, an examination of those aspects of the employer's safety and health program which relate to the scope of the visit, a walk through the workplace and a closing conference where the employer shall be informed of hazards and the recommended corrective measures. An initial visit may include training and education for employers and employees, if the employers request the assistance and if the need for the training and education is revealed by the walk through the workplace and the examination of the employer's safety and health program. Additional visits may be conducted as the employer requests to provide needed education and training, assistance with the employer's safety and health program, or technical assistance in the correction of hazards, or as necessary to verify the correction of serious hazards identified during previous visits. A compliance inspection may, in some cases, be the basis for a visit limited to education and training, assistance with the employer's safety and health program, or technical assistance in the correction of hazards.

**8.4(2) *Employee participation.*** The consultant retains the right to confer with individual employees during the course of the visit in order to identify and judge the nature and extent of particular hazards within the scope of the employer's request, and to evaluate the employer's safety and health program. The consultant shall explain the necessity for this contact to the employer during the opening conference, and the employer must agree to this contact before a visit can proceed. In addition, employees, their representatives, and members of a workplace joint safety and health committee, may participate in the on-site consultative visit, to the extent desired by the employer. In the opening conference, the consultant shall encourage the employer to allow employee participation to the fullest extent practicable.

**8.4(3) *On-site activity.*** Activity during the on-site consultative visit will be focused primarily on those conditions, hazards or situations regarding which the employer has requested assistance. Within the scope of the employer's request, the consultant shall review the employer's safety and health program and provide advice on modifications or additions to make the program more effective.

To the extent of their capability and training, consultants shall identify and provide advice on the elimination of those hazards included in the employer's request and any other safety or health hazards observed in the workplace during the course of the on-site consultative visit. The consultant shall conduct sampling and testing, with subsequent analysis, as may be necessary to confirm the existence of a safety or health hazard. Advice and technical assistance on the elimination of identified safety and health hazards may be provided to employers during and after the on-site consultative visit. However, the advice and assistance shall not include engineering services or the provision of engineering design solutions.

When a hazard is identified in the workplace, the consultant shall indicate to the employer the consultant's best judgment as to whether the situation would be classified as a "serious" or "other-than-serious" hazard.

At the time the consultant determines that an identified serious hazard exists, the consultant shall assist the employer to develop a specific plan to correct the hazard, affording the employer a reasonable period of time to complete the necessary action. An opportunity for an expeditious informal discussion with the chief of the bureau of consultation and education regarding the period of time established for the correction of a hazard or any other substantive findings of the consultant shall be held if the employer requests the informal discussion within 15 working days from receipt of the consultant's report.

**8.4(4) *Employer's obligations.*** An employer must take immediate action to eliminate employee exposure to a hazard which, in the judgment of the consultant, presents an imminent danger to employees. If the employer fails to take the necessary action, the chief of the bureau of consultation and education shall immediately notify the affected employees and the chief of the bureau of occupational safety and health and provide relevant information.

An employer must also take the necessary action to eliminate or control employee exposure to any identified serious hazard. In order to demonstrate that the necessary action is being taken, an employer may be required to submit periodic reports, permit a follow-up visit, or take similar action. An employer may request, and the chief of the bureau of consultation and education may grant, an extension of the time established for the correction of a serious hazard when the employer demonstrates having made a good

faith effort to correct the hazard within the established time frame; shows evidence that correction has not been completed because of factors beyond the employer's reasonable control; and shows evidence that the employer is taking all available interim steps to safeguard the employees against the hazard during the correction period. If the employer fails to take the action necessary to eliminate a serious hazard within the established time frame or any extensions thereof, the chief of the bureau of consultation and education shall immediately notify the chief of the bureau of occupational safety and health and provide relevant information. The chief of the bureau of occupational safety and health shall make a determination, based upon a review of the facts, whether enforcement activity is warranted.

**8.4(5)** *Confirmation of hazard correction.* After correction of all serious hazards, the employer shall confirm in writing to the chief of the bureau of consultation and education the correction of the hazards, unless correction of the serious hazards was verified by direct observation by the consultant.

**8.4(6)** *Written report.* A written report shall be prepared for each visit and sent to the employer. The report shall restate the employer's request and describe the working conditions examined by the consultant; evaluate the employer's program for ensuring safe and healthful employment and provide recommendations for making the program effective; identify specific hazards and describe their nature, including reference to applicable rules; identify the seriousness of the hazards; and to the extent possible, shall include suggested means or approaches to their correction. Additional sources of assistance shall also be indicated, if known, including the possible need to procure specific engineering consultation, medical advice and assistance, and other appropriate items. The report shall indicate the completion date for each serious hazard.

**8.4(7)** *Confidentiality of trade secrets.* The consultant will preserve the confidentiality of the information obtained as a result of a consultative visit which contains or might reveal a trade secret of the employer.